

Ms. Coles



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Rocky Mountain Ventures--Reconsideration

File: B-241870.4

Date: February 13, 1991

David K. Duncan for the protester.
Barbara C. Coles, Esq., and Christine S. Melody, Esq., Office
of the General Counsel, GAO, participated in the preparation
of the decision.

DIGEST

Dismissal of protest is affirmed where protester failed to file a copy of the protest with the contracting agency within 1 day after filing with the General Accounting Office (GAO); protester's contention that it was unaware of the requirement to furnish a copy within 1 day does not waive the failure to do so, since protester is charged with constructive knowledge of GAO Bid Protest Regulations.

DECISION

Rocky Mountain Ventures requests reconsideration of our dismissal of its protest challenging the rejection of its proposal under request for proposals No. R1-90-15, issued by the United States Forest Service, Department of Agriculture, for the lease of property in Hamilton, Montana. We dismissed Rocky Mountain's protest pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.1(d) (1990), because the protester failed to furnish a copy of the protest to the contracting agency within 1 day after it was filed with our Office.

We affirm our dismissal.

Rocky Mountain contends that it did not file a copy of its protest with the Forest Service because it was unfamiliar with our bid protest procedures. Specifically, the protester charges that prior to filing the protest at our Office, Rocky Mountain contacted the agency to obtain information about bid protest procedures, and its failure to provide a copy of the protest to the agency stemmed directly from the Forest Service's "negligence" in failing to inform Rocky Mountain about the requirement. Moreover, Rocky Mountain suggests that our Office failed to inform it--during telephone conversations following the protester's receipt of our acknowledgment of the protest--about the requirement even though the protester

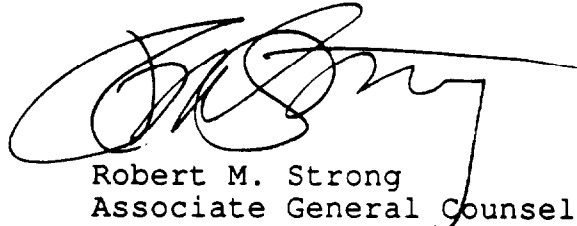
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contacted our Office on two separate occasions to learn the status of the protest.

Our Regulations explicitly require that a protester provide a copy of the protest to the contracting officer within 1 working day after filing in our Office. 4 C.F.R. § 21.1(d). This requirement derives from the Competition in Contracting Act of 1984, 31 U.S.C. § 3553 (1988), which requires contracting agencies to file written reports within 25 working days after we notify the agency of the protest. Any delay in the protester's providing a copy of the protest to the contracting agency not only hampers the agency's ability to meet the 25-day statutory deadline, it further frustrates our efforts to consider all objections to agency procurement actions in as timely a fashion as possible. See Refac Elecs. Corp.--Recon., B-226034.2, Feb. 4, 1987, 87-1 CPD ¶ 117.

We are not persuaded by Rocky Mountain's attempts to attribute its failure to adhere to our Bid Protest Regulations to alleged actions on the part of the contracting agency and our Office. A protester's lack of actual knowledge of our Bid Protest Regulations is not a defense to dismissal of its protest for failure to provide a copy of the protest to the contracting officer within 1 working day after filing in our Office because prospective protesters are on constructive notice of our Regulations, since they are published in the Federal Register and Code of Federal Regulations. R.B. Travel, Inc.--Recon., B-226633.2, May 14, 1987, 87-1 CPD ¶ 514. Moreover, Rocky Mountain's argument that our Office should have informed the firm about the requirement ignores the fact that even if we had done so during the telephone conversations it cites as taking place after its receipt of the acknowledgment of its protest, the 24-hour period had already expired prior to the time the protester received our acknowledgment and, consequently, prior to the time it telephoned our Office.

Our prior dismissal is affirmed.



Robert M. Strong
Associate General Counsel